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**OFFICE OF PETITIONS**

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NEW YORK, NY 10022-2585

In re Application of :  
Amano et al. : DECISION ON PETITION TO  
Application Number: 09/863877 : WITHDRAW HOLDING OF  
Filing Date: 05/23/2001 : ABANDONMENT  
Attorney Docket Number: 100809- :  
16253 (SCET 18.699) :

This is a decision on reference to the "PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT PURSUANT TO 37 CFR 1.181 AND 37 CFR 1.10(e)," filed on January 23, 2008, which is treated as a petition to withdraw the holding of abandonment.

The petition is **GRANTED to the extent indicated.**

Petitioner's counsel asserts that he was informed that the Notice of Appeal and Appeal Brief filed on October 5, 2007, "had not been properly docketed."

A review of the record reveals that on July 6, 2007, a non-final Office action was filed. On October 9, 2007, a Notice of Appeal and Appeal Brief were received.

Petitioner asserts that the Notice of Appeal and Appeal Brief were timely filed by Express Mail on October 5, 2007. In support, petitioners have included a copy of Express Mail label No. EV479707160US (the same Express Mail number found on the Notice of Appeal and Appeal Brief). The Express Mail label provided bears a "date-in" of "10 5 07".

Accordingly, the showing of record is that the Notice of Appeal and Appeal Brief were filed on October 5, 2007, and were a timely-filed reply to the non-final Office action mailed on July 6, 2007.

Therefore, the showing of record is that a response was timely filed, and there is no abandonment in fact.

The application will be referred to Technology Center Art Unit 3622 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

A handwritten signature in cursive script, appearing to read "D Wood".

Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions